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OFFICE OF PETITIONS

In re Application of :  
LIN : DECISION REFUSING STATUS  
Application No. 10/626,486 : UNDER 37 CFR 1.47(b)  
Filed: July 24, 2003 :  
Atty. Dkt. No.: SRGLT.004RA :  
For: TREATMENT OF PRESBYOPIA :  
AND OTHER EYE DISORDERS USING A :  
SCANNING LASER SYSTEM :

This decision is in response to the renewed petition under 37 CFR 1.47(b), filed September 20, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 24, 2003 without an executed oath or declaration and naming Jui-Teng Lin as sole inventor. Accordingly, a Notice to File Missing Parts of Reissue Application was mailed September 3, 2003 requiring, *inter alia*, an executed oath or declaration and a surcharge. A petition under 37 CFR 1.47(b) was filed April 1, 2004 and dismissed July 15, 2004.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to

preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks item (2) set forth above. An acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Any renewed petition must be accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.175. The declaration submitted with the instant renewed petition is unacceptable as it fails to set forth the citizenship of the non-signing inventor as required at 37 CFR 1.63(a)(3).

Any renewed petition must comply fully with the requirements of 37 CFR 1.175 and 37 CFR 1.63.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916

By delivery service: U.S. Patent and Trademark Office  
(FedEx, UPS, DHL, etc.) 220 20<sup>th</sup> Street S.  
Customer Window, Mail Stop Petition  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

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